

Application/Control Number : 10/701,524
Art Unit: 3728
April 12, 2006
Page 4

Amendments to the Drawings

The attached "new sheet" of drawings add new Figures 3 and 4.

New Figure 3 shows the features of claim 7, namely the outer sheet provided with pre-cuts, while new Figure 4 shows the features of claim 8, namely the outer sheet provided with a tab.

Attachment: New sheet

Application/Control Number : 10/701,524
Art Unit: 3728
April 12, 2006
Page 7

Remarks

In new Figure 3, descriptive label "17" for indicating the "pre-cuts" has been added.

In new Figure 4, descriptive label "18" for indicating the "tab" has been added.

New Figures 3 and 4 find support at page 5, lines 5-9.

In the specification, in the amended abstract and in the replaced paragraphs the word "polythene" has been changed to "polyethylene". In the paragraph beginning at page 5, line 8, the numerals "17" and "18" have been introduced for labeling the "pre-cut" and the "tab" shown in the new Figures 3 and 4.

Claim 1 has been amended, the word "polythene" has been changed to "polyethylene". Claims 2-5, 7 and 8 remain in this application. Claim 6 has been amended in its dependence, the "biaxially oriented polypropylene" has antecedent basis in claim 5.

Reconsideration and reexamination of the application is respectfully requested.

Original claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cozzie (US 5,644,670) in view of Shirmer et al. (US 5,158,836), Nagai et al. (US 6,190,760) and Examiner Official Notice.

Cozzie discloses a common food package comprising a plurality of inner packages, each one of which is constituted by a flexible packet (10), disposed inside an outer package, which is constituted by a box (50). Each flexible package (10) is made of heat sealed sheets of flexible material, such as plastic.

However, Cozzie is silent about the structure of the outer package (50). Moreover Cozzie does not point out the problem of having both the inner and the outer package sheets made of materials which can be heat-sealed without adhering and sticking each other, as well as it does not point out the need of having an inner packaging made of a material that ensures inside-to-inside, inside-to-outside or outside-

Application/Control Number : 10/701,524
Art Unit: 3728
April 12, 2006
Page 8

to-outside thermal bonding and, at the same time, fold retention properties.

Schirmer discloses a coextruded film of three layers: two outer layers of styrene-butadiene (SBS) copolymer resin and a central plastic material layer (VLDPE) disposed therebetween. Schirmer discloses the use of said coextruded film as an overlap material for food products and underlines the optical properties of said coextruded film.

However, Schirmer does not disclose the use of said coextruded film as an inner package sheet in combination with an outer package sheet, which wraps around a set of products contained in their respective inner packages and which is composed of a high-barrier film coupled to a paper film.

Nagai discloses a laminate of a high-barrier film (metallized biaxially oriented polypropylene) coupled to a paper film that can be used for food packaging.

However, Nagai does not disclose the use of said laminate as an outer package sheet in combination with inner package sheets, each one of which wraps a food item and is composed of coextruded film constituted by two outer layers of styrene-butadiene copolymer resin and by a central layer of plastic material.

Both the inner layer (i.e. the high-barrier film such as the metallized biaxially oriented polypropylene) of the laminated disclosed by Nagai and the coextruded film disclosed by Schirmer are made of plastic material.

Therefore the skilled person would not have used them in combination in a food product package comprising an outer package sheet wrapping around a set of food items and inner package sheets wrapping each of said food items and manufactured by means of thermal-bonding, since the skilled person would have thought that the two plastic materials had adhered and stucked each other.

There was, thus, a prejudice in using said coextruded film (constituted by two outer layers of styrene-butadiene copolymer resin and by a central layer of plastic material chosen among polyethylene and polypropylene) and said laminate (constituted by a high-barrier film coupled to a paper film) together for manufacturing, by means of thermal-bonding, a food package of a set of food items, each contained in a respective

Application/Control Number : 10/701,524
Art Unit: 3728
April 12, 2006
Page 9

inner package sheet, enclosed in an outer package sheet.

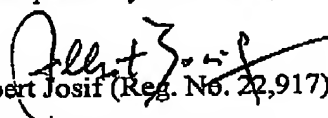
Therefore the combination of said two sheets (the coextruded film and the laminate), as claimed in claim 1, is believed to be inventive in view of Cozzie, Schirmer and Nagai.

For the same reasons as above, it is believed that the combination of said two sheets (the coextruded film and the laminate), as claimed in claim 1, is also inventive in view of the Examiner Official Notice, Schirmer and Nagai.

It has to be pointed out that, by using said coextruded film (constituted by two outer layers of styrene-butadiene copolymer resin and by a central layer of plastic material chosen among polyethylene and polypropylene) as inner package sheet for individually wrapping each food item of a package and said laminate (constituted by a high-barrier film coupled to a paper film) as outer sheet for wrapping around a set of said food items singularly packaged, the heat-sealability (by means of inside-to-inside, outside-to-outside and inside-to-outside thermal-bonding) of the food package is ensured and, at the same time, any adherence and sticking of the two sheets is avoided. Support is found on page 4, lines 18-21 of the specification.

It is respectfully believed that the subject-matter of the independent claim 1 is neither disclosed in nor rendered obvious by the prior art.

Respectfully submitted,


Albert Josif (Reg. No. 22,917)
Agent for the Applicant

Date: April 12, 2006
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02)85907777
Telefax: (from USA) (011)(39)(02)863-860

Attachments: New Sheet showing Fig. 3 and Fig. 4.